

### **REMARKS**

Applicant hereby traverses the current objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 4-10, 12-20 and 23-25 are indicated as having allowable material. Claims 1-27 are pending in this application.

#### **Objection to the Specification**

The abstract stands objected to for reciting the title as part of the abstract. In response, Applicant can find no basis for the objection in the M.P.E.P. Moreover, Applicant notes that the title is listed above the abstract, and therefore is not part of the abstract. Thus, Applicant respectfully requests withdrawal of this objection.

#### **Rejection Under 35 U.S.C. § 112(2)**

Claim 22 is rejected under 35 U.S.C. § 112(2) as lacking antecedent basis for the words "the quantized amplitude value" in line 2. Claim 22 has been amended to correct a typographical error. The claim has been amended only for the purpose of resolving the cited informality, and not for the purpose of narrowing its scope in the face of prior art. No new matter has been entered. As this amendment addresses the recited informality, Applicant respectfully requests the withdrawal of the objection of record.

#### **Rejection Under 35 U.S.C. § 103**

Claims 1-3, 21, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ward et al. (US App 2003/0004664, hereinafter Ward) in view of Williams et al. (US '842, hereinafter Williams).

Applicant assumes that claim 27 was intended to be included in this rejection.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Ward does not teach having a signal processor. The Office Action attempts to cure this deficiency by introducing Williams, which the Office Action alleges to teach having such limitations. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Claim 1 defines an apparatus for providing jitter measurement that includes a sampling circuit for sampling an input signal to obtain amplitude and phase information. Ward is cited as teaching this limitation, and Williams is not relied upon as teaching this limitation. However, the combination of Ward and Williams does not teach at least this limitation. Ward may teach a spectrum analysis based jitter measurement, but Ward does not teach sampling an input signal to obtain amplitude and phase information. Paragraph 21 of Ward discloses comparison of a sampled waveform and an idealized waveform. Nothing in the paragraph teaches sampling an input signal to obtain amplitude and phase information. Thus, the combination of Ward and Williams does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 1 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Claim 26 defines a method for measuring jitter that includes sampling the input signal to obtain amplitude and phase information corresponding to the input signal. Ward is cited as teaching this limitation, and Williams is not relied upon as teaching this limitation. However, the combination of Ward and Williams does not teach at least this limitation. Ward may teach a spectrum analysis based jitter measurement, but Ward does not teach sampling an input signal to obtain amplitude and phase information. Paragraph 21 of Ward discloses comparison of a sampled waveform and an idealized waveform. Nothing in the paragraph teaches sampling an input signal to obtain amplitude and phase information. Thus, the combination of Ward and

Williams does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 26 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Claims 2-3, 21, and 27 depend from base claims 1 and 26, respectively, and thus inherit all limitations of their respective base claim. Each of claims 2-3, 21, and 27 sets forth features and limitations not recited by the combination of Ward and Williams. Thus, the Applicant respectfully asserts that for the above reasons claims 2-3, 21, and 27 are patentable over the 35 U.S.C. § 103(a) rejection of record.

### **Rejection Under 35 U.S.C. § 103**

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ward in view of Williams, in further view of Nayebi (US '074).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

Base claim 1 is defined as described above. The combination of Ward and Williams does not disclose these limitations, as discussed above. Nayebi is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of Ward, Williams, and Nayebi does not teach all elements of the claimed invention.

Claim 11 depends from base claim 1, and thus inherits all limitations of claim 1. Claim 11 sets forth features and limitations not recited by the combination of Ward, Williams, and Nayebi. Thus, the Applicant respectfully asserts that for the above reasons claim 11 is patentable over the 35 U.S.C. § 103(a) rejection of record.

**Conclusion**

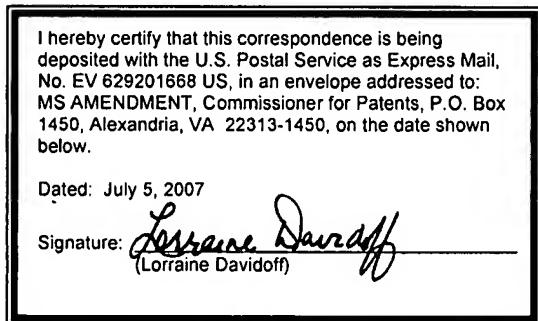
The Examiner is thanked for the indication that claims 4-10, 12-20 and 23-25 include allowable subject matter.

In view of the above, Applicant believes the pending Application is in condition for allowance.

Applicant respectfully requests that the Examiner call the below-listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10070111-3 from which the undersigned is authorized to draw.

Dated: July 5, 2007



Respectfully submitted,

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